



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2003-36**

December 5, 2003

Anne & Russ Ahlbrand
8335 Old Stable Rd
Cincinnati, OH 45243

RE: DES Wetlands File #1999-02330 Windy Point Road, Moultonborough

Dear Mr. and Ms. Ahlbrand:

During the summer of 2003, DES personnel conducted inspections of lakefront projects approved in 1999. On July 21, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of your property, more specifically referenced on Town of Moultonborough Tax Map 1 as Lot 36 (the "Property") as part of these compliance inspections. The purpose of the inspection was to determine whether the Property is in compliance with RSA 482-A, NH Wetlands Law, RSA 483-B, NH Comprehensive Shoreland Protection Act, and Wetlands and Non-site Specific Permit # 1999- 02330 (the "Permit") issued on June 27, 2000. The Permit authorized the construction of a 19 ft "L" to an existing 40 ft breakwater with a 6 ft gap at the shoreline, the extension of a 4 ft x 40 ft cantilevered pier to a total length of 44 ft, and the removal of a 4 ft x 30 ft piling pier and 4 ft x 12 walkway from the docking facilities on an average 147 ft of frontage on Long Island, Lake Winnepesaukee.

The inspection revealed that the Property is not in compliance with RSA 483-B, RSA 482-A, and the Permit. During the inspection and subsequent file review DES documented the following deficiencies:

A deck measuring approximately 15 ft by 8 ft was installed 12 ft from the normal high water line (elevation 504.32 on Lake Winnepesaukee). The Comprehensive Shoreland Protection Act requires the deck to be set back at least 20 ft from the normal high water line. A review of the file indicates that the Department has not received any evidence that this deck was built prior to enactment of RSA 483-B, the NH Comprehensive Shoreland Protection Act and the Approved Plans do not show a deck on the Property.

A copy of the recorded Permit has not been submitted to the Department. Specific Condition 2 of the Permit required the Permit to be recorded with the Registry of Deeds Office by the Permittee and a copy of the recorded Permit to be submitted to the DES Wetlands Bureau prior to construction.

In response, you are requested to take the following actions:

Within 30 days please submit a copy of the recorded Permit; and,

Within 30 days please submit photographs verifying that the deck has been moved to a location at least 20 ft landward of the normal high water line; or,

3. Within 30 days please submit information verifying that the deck was in place prior to 1995

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. Failure to comply with a specific condition of the Permit is considered a violation of RSA 482-A.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted in 1995 to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Administrative Rules Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters. RSA 483-B regulates the construction of accessory structures including decks within the protected shoreland. Pursuant to Administrative Rule Env-Ws 1405.04, Setback, accessory structures constructed since 1995 shall be set back at least 20 feet from the reference line (elevation 504.32 on Lake Winnepesaukee).

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the Department.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows

Mary Ann Tilton, Senior Compliance Officer
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,


Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7000 1670 0000 0585 5055

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Moultonborough Conservation Commission
Moultonborough Board of Selectmen
David Killoy, USACOE
Mary Ann Tilton, DES Wetlands Bureau
Lakeshore Construction